

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 428

September 14, 1995, 9:53 p.m.
Page S-13605 Temp. Record

WELFARE REFORM BILL/Limitations on Deeming Requirements

SUBJECT: Family Self-Sufficiency Act of 1995 . . . H.R. 4. Feinstein amendment No. 2513 to the Dole modified perfecting amendment No. 2280 to the committee substitute amendment.

ACTION: AMENDMENT REJECTED, 20-78

SYNOPSIS: As reported with a committee substitute amendment, H.R. 4, the Family Self-Sufficiency Act of 1995, will overhaul six of the Nation's ten largest welfare programs.

The Dole modified perfecting amendment would strike the provisions of the committee substitute amendment and insert in lieu thereof substitute provisions, entitled "The Work Opportunity Act of 1995."

The Feinstein amendment would not count the assets and income of an alien's sponsor in determining that alien's eligibility for Federal means-tested, non-cash benefits. Additionally, it would not count a sponsor's assets and income in determining an alien's eligibility for either means-tested cash or non-cash benefits if that alien or a member of that alien's household had been subjected to domestic violence, or if those benefits were to provide services related to child abuse or neglect.

(Non-refugee immigrants to the United States, as a condition of immigration, must convince immigration officers that they will not become public charges at any time. Immigrants commonly make this demonstration by obtaining affidavits of support from sponsors in the United States. An affidavit, which is not legally binding, promises that a sponsor will provide for the support of an immigrant for 3 years. Some Federal means-tested benefit programs have "deeming" periods. During a deeming period, the income and assets of an immigrant's sponsor are counted as part of the immigrant's income and assets in determining the immigrant's eligibility for benefits. The length of deeming periods varies by program. For those immigrants already in the United States, the Dole amendment would set a uniform Federal deeming period of 5 years for all but a few exempt programs. For future immigrants, affidavits of support would be made legally enforceable in State and Federal courts. Sponsors would agree to be legally liable for supporting immigrants until they had worked 40 quarters (10 years) in the United States. The deeming period for all Federal non-exempt programs for future immigrants would be for the duration of their affidavits of support.)

Those favoring the amendment contended:

(See other side)

YEAS (20)		NAYS (78)			NOT VOTING (2)	
Republicans (1 or 2%)	Democrats (19 or 42%)	Republicans (52 or 98%)	Democrats (26 or 58%)		Republicans (1)	Democrats (1)
Specter	Akaka	Abraham	Hutchison	Baucus	Frist- ²	Sarbanes- ²
	Bingaman	Ashcroft	Inhofe	Biden		
	Boxer	Bennett	Jeffords	Bradley		
	Daschle	Bond	Kassebaum	Breaux		
	Dodd	Brown	Kempthorne	Bryan		
	Feinstein	Burns	Kyl	Bumpers		
	Glenn	Campbell	Lott	Byrd		
	Graham	Chafee	Lugar	Conrad		
	Harkin	Coats	Mack	Dorgan		
	Inouye	Cochran	McCain	Exon		
	Johnston	Cohen	McConnell	Feingold		
	Kennedy	Coverdell	Murkowski	Ford		
	Kohl	Craig	Nickles	Heflin		
	Mikulski	D'Amato	Packwood	Hollings		
	Moseley-Braun	DeWine	Pressler	Kerrey		
	Moynihan	Dole	Roth	Kerry		
	Murray	Domenici	Santorum	Lautenberg		
	Simon	Faircloth	Shelby	Leahy		
	Wellstone	Gorton	Simpson	Levin		
		Gramm	Smith	Lieberman		
		Grams	Snowe	Nunn		
		Grassley	Stevens	Pell		
		Gregg	Thomas	Pryor		
		Hatch	Thompson	Reid		
		Hatfield	Thurmond	Robb		
		Helms	Warner	Rockefeller		

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Deeming presently applies to only a few programs. The main programs to which it applies are the Aid to Families with Dependent Children (AFDC) Program, the Supplemental Security Income (SSI) Program, and the Food Stamp Program. The Dole amendment, though, would expand it to apply to nearly all Federal means-tested programs instead of just those three programs. For example, it would apply to Head Start, Medicaid, maternal health services, foster care, and domestic abuse programs. As a result, a significant amount of aid would be denied for legal immigrants. Four States--Florida, New York, Texas, and California--have most of the country's legal immigrants. Those States would be seriously harmed by the Dole amendment. Low-income immigrants would still need the assistance that would be denied by the Federal Government, so State and local governments would have to provide it instead. The Dole amendment, though, would not give State and local governments funding to meet this new burden. In other words, the new program deeming requirements in the Dole amendment amount to a massive unfunded Federal mandate on just a handful of States. The Feinstein amendment would remove that unfunded mandate. We are therefore pleased to vote in its favor.

Those opposing the amendment contended:

The cost of the Feinstein amendment would be \$707 million. This cost would come about because some Senators do not believe sponsors who have promised that the immigrants they have sponsored will never become public charges should be held to their promises. We emphatically disagree. If sponsors are able to provide support, then immigrants should not be allowed to rely on welfare for such benefits as Medicaid, public housing, and job training. However, the Feinstein amendment would make immigrants who have sponsors who are capable of helping them eligible for exactly those welfare benefits, and many others as well. As for programs for battered women and foster children, and as for the Head Start Program, our colleagues should be aware that exemptions have already been crafted for those programs. The real effect of the Feinstein amendment would be to spend hundreds of millions of dollars on such items as health insurance and housing for immigrants who have sponsors who are able to provide that support instead of the Federal Government. We oppose that effect, and thus urge the rejection of the Feinstein amendment.